

PLANNING BOARD
Meeting Minutes
Tuesday, June 18, 2013
Town Hall, 120 Main Street
7:00 PM

1 Present: J. Simons, M. Colantoni, D. Kellogg, L. Rudnicki, L. McSherry, R. Rowen

2 Absent:

3 Staff Present: J. Tymon, J. Enright

4
5 Meeting began at 7:02pm.

6
7 **LOT RELEASE**

8 **2005 Salem Street:** Requested by George Haseltine.

9 J. Tymon: This lot is part of an approved three lot subdivision. Two of the lots have been
10 released and are occupied. Construction has begun on the third lot. The driveway has been built
11 to the binder coat. Bonds for the road and for the site opening have been filed.

12 J. Simons: Construction should not have started prior to a Lot Release. If there was sufficient
13 bond money the lot should have been released.

14 George Haseltine, Developer: Stated that he believed the Lot Release was to be done prior to the
15 conveyance of the lot to the home owner.

16 J. Simons: A building permit should not have been issued without the lot being released from
17 the covenant.

18 J. Tymon: We have sufficient bond money and a site visit has been conducted.

19 **MOTION**

20 A motion was made by R. Rowen to release all Lots for 2009 Salem Street from protective
21 covenants. The motion was seconded by L. McSherry. The vote was unanimous, 6-0 in favor.

22
23 **BOND RELEASES**

24 Woodlea Village: Request for a partial bond release of \$2,900.

25 J. Tymon: Gene Willis has approved a release of \$2,900, leaving a remaining bond amount of
26 \$14,300. The \$2,900 is for the stone bounds. The remaining amount will cover maintenance and
27 conveyance.

28 **MOTION**

29 A motion was made by R. Rowen to release \$2,900 of the performance bond for Woodlea
30 Village. The motion was seconded by D. Kellogg. The vote was unanimous, 6-0 in favor.

31
32 Red Gate Lane: Request for release of roadway Surety Bond.

33 J. Tymon: This street was accepted at this past Town Meeting. The Town's attorney has
34 recorded the documents. The language for the vote has been provided. A \$5,000 slope
35 stabilization bond is still being held.

36 **MOTION**

37 A motion was made by D. Kellogg that the Planning Board approves the release of the United
38 Casualty and Surety Insurance Company Subdivision Performance Bond No. 57180098 which
39 was the Performance Security posted by Whispering Pines Realty Trust/Whispering Pines
40 Development to ensure the completion of the required Subdivision Improvements at the Red
41 Gate Subdivision off Salem Street in North Andover, MA. The motion was seconded by M.
42 Colantoni. The vote was unanimous, 6-0 in favor.

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POSTPONEMENT

CONTINUED PUBLIC HEARING, 1077 Osgood Street: Application for a Watershed Special Permit and Site Plan Review Special Permit. Applicant proposes to construct a 3,672 sq. ft. single story retail bank, parking lot, and stormwater structures within the Non-Discharge Zone and Non-Disturbance Zone of the Watershed Protection District.

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING, 100 Dale Street: Application for a Watershed Special Permit. The project consists of two (2) building lots. Structures on Lot 2 are to be demolished. A single family home with associated clearing, grading, utilities and stormwater maintenance features is proposed for Lot 1 and Lot 2.

J. Tymon: L. Eggleston's review comments have been addressed. An Operations and Maintenance document has been received and is referenced in the Decision. Landscaping has been added, confirmatory test pits prior to the building permit are conditioned in the Decision, the limit of work is to be recorded in the deed as well as a fertilizer restriction.

MOTION

A motion was made by R. Rowen to close the public hearing for 100 Dale Street Watershed Special Permit. The motion was seconded by D. Kellogg. The vote was unanimous, 6-0 in favor.

A draft Decision was reviewed.

MOTION

A motion was made by D. Kellogg to approve the Watershed Special Permit for 100 Dale Street as amended this evening. The motion was seconded by L. McSherry. The vote was unanimous, 6-0 in favor.

CONTINUED PUBLIC HEARING, Adjacent to 1665 Great Pond Road: Application for a Watershed Special Permit. Applicant seeks to construct a single family home with associated clearing, grading, utilities, and stormwater maintenance features within the Non-Discharge and Non-Disturbance Zone of Lake Cochichewick and the 100 foot buffer zone of an adjacent bordering vegetated wetland resource within the Watershed Protection Overlay District in the Residential 1 (R-1) Zoning District.

J. Tymon: This public hearing was continued from the last meeting due to a problem with the notice in the newspaper. There is a cleared, flat area with lawn in the rear of the lot where the house location is proposed. L. Eggleston has reviewed the project and her comments have been addressed by the applicant. The building is outside the Non-Disturb Zone.

Bill MacLeod: Andover Consultants, Inc.: The lot was created by a variance in the 1960s. Reviewed the lot configuration, wetland delineation, and distances from the wetlands. There is a 20' rise from Great Pond Road to the top of foundation elevation. The 300' driveway accommodates that slope. Over the first 40' of the driveway there is only a 1' difference in elevation from the roadway. The driveway will be graded to pitch to an infiltration trench on the west side of the driveway. The trench will be 2' wide and 10" deep. The proposed house is shown as a 32' x 66' rectangular box that meets the zoning setback requirements. This is an expected house size. The lot owner will likely sell the lot to someone who will build the house.

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87 R. Rowen: Where will the runoff go from square section of the top area of the driveway? Will
88 icing be an issue near the top of the hill?

89 B. MacLeod: The driveway pitches from the garage to the far left side of that section of
90 driveway, down the driveway, and then across the driveway to the trench. If any runoff reaches
91 the bottom of the driveway there is an additional infiltration trench that runs off the end of the
92 driveway along the frontage. The square section of driveway is 30' x 30' and the only water will
93 be the water that falls on it. The driveway is on the south facing slope and will get the maximum
94 solar heat. Does not believe there will be an icing issue.

95 J. Tymon: L. Eggleston does not have any remaining open issues.

96 ABUTTERS

97 Nick Daher, 1675 Great Pond Road: Questioned what will happen with the existing house and
98 which buffer zone they are interfering with.

99 R. Rowen: That house is on a separate lot; however, there is a shed that crosses the lot lines that
100 will be taken down. The buffer zone is from the lake. They have to cross the buffer zone to get
101 from Great Pond Road to the house.

102 Maureen Daher, 1675 Great Pond Road: Does the project abide by the Conservation rules?

103 J. Simons: They have to comply with all the Conservation and Zoning rules. They require a
104 Watershed Special Permit from the Planning Board and that is what this hearing is for.

105 D. Kellogg: The project has been reviewed by the Town's consultant for all the Conservation
106 issues.

107 B. MacLeod: The project was filed with Conservation and the hearing has been opened. They
108 did not request any amendments to the Plan. They won't issue the Order of Conditions until this
109 Special Permit is complete. The house will be connected to Town sewer.

110 J. Simons: We will keep the hearing open until the next meeting.

111
112 NEW PUBLIC HEARING, 0 Great Pond Road (Map 35 Lot 4): Application for a Watershed
113 Special Permit. Applicant seeks to construct a single family dwelling with appurtenances on a
114 presently undeveloped, buildable lot.

115 J. Tymon: This lot abuts the Scuito property that was recently approved for a Watershed Special
116 Permit. This project has not gone before the Zoning Board of Appeals (ZBA) yet. That Board
117 does not meet in July. The applicant applied for the Watershed Special Permit and would like to
118 provide an overview and then will likely request a continuance until September.

119 J. Simons: The bulk of the deliberation will occur if the ZBA grants the variance.

120 William Holt, Representing the applicant, Stephen Dehullu: Discussed an alternative analysis of
121 two potential locations on the lot for the single family home that will be presented to the ZBA.
122 One location could be on the upper portion and one on the lower portion. The applicant will go
123 before the ZBA requesting to build on the lower portion. The constraints are similar to the
124 constraints on the abutting lot. There is considerably more land disturbance if the house was to
125 be built on the upper portion of the lot. The driveway would be approximately 533' to the top of
126 the lot. The driveway alone would actually create more impervious area than the entire project,
127 house and the driveway, on the lower portion of the lot. The proposed house is approximately
128 180' away from the lake. All of the impervious area would be treated and the runoff would be

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managed in the stormwater design. The lot was created in 1984. There was an ANR Plan approved that altered the lot lines in 2001. The lot conforms to zoning.

J. Simons: The general sense of the Board is that less disturbance is better than further away. The ZBA may want to hire the Town's consultant to evaluate and report on the potential environmental impact of the two alternatives. Requested the Town Planner suggest that to the ZBA.

J. Tymon: We should continue the public hearing until September.

DISCUSSION

1679 Osgood Street: Introduction of new owners and development timetable.

J. Tymon: Six out of the nine septic/wells have been approved by the Board of Health. The other three will likely be approved by the end of the week. The project required the developer to come back to the Board if there were any changes to the septic/well system design.

Phillip Christiansen, Christiansen and Sergi, Inc.: Introduced Michael Green as the new owner of the project and Attorney, John Smolak. All nine of the septic/wells reviewed by the Board of Health. Based on the review some minor changes were made on six of the plans. The remaining three plans are being finalized. The stormwater systems and roadway have not changed. The new owner would like to start the project as soon as the plan is endorsed and recorded.

MISCELLANEOUS

J. Tymon: There have been a few occasions where there has been more than an acre of land disturbed but no remedy required by the property owner. As the Board's agent I can make the decision to approve a Land Disturbance Permit administratively; however, it requires a majority vote at a Public Meeting to delegate any of the responsibilities for administration of this Bylaw to the Town Planner.

MOTION

A motion was made by R. Rowen to delegate any of the responsibilities for the administration of the Stormwater Bylaw to the Town Planner. The motion was seconded by D. Kellogg. The vote was unanimous, 6-0 in favor.

MEETING MINUTES: Approval of June 4, 2013 meeting minutes.

MOTION

A motion was made by L. Rudnicki to approve the June 4, 2013 meeting minutes. The motion was seconded by M. Colantoni. The vote was unanimous, 6-0 in favor.

ADJOURNMENT

MOTION:

A motion was made by R. Rowen to adjourn the meeting. The motion was seconded by D. Kellogg. The vote was unanimous, 6-0 in favor.

The meeting adjourned at 8:20 pm.

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171 MEETING MATERIALS: Agenda, Language for vote to release Red Gate Lane Surety Bond
172 dated June 18, 2013, 100 Dale Street: email from Judy Tymon dated June 11, 2013 to Phil
173 Christiansen, Draft Notice of Decision dated June 18, 2013, Stormwater O&M Plan dated 18,
174 2013, 1665 Great Pond Road: Eggleston Environmental review letter dated May 20, 2013,
175 Andover Consultants, Inc. response to Eggleston Environmental review letter dated June 10,
176 2013, Site Plan Great Pond Road North Andover, MA dated June 3, 2013, email from L.
177 Eggleston dated 6/18/2013, 0 Great Pond Road: Variance and Watershed Special Permit Site Plan
178 located in North Andover, MA dated 8/12/12, 1679 Osgood Street: Notice of Decision-
179 Subdivision Plan dated September 20, 2011, 6/4/2013 draft meeting minutes.